

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 92

HOUSE BILL 2490

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 23;
RELATING TO RETAIL FOOD ESTABLISHMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is amended
3 by adding article 23, to read:

4 ARTICLE 23. RETAIL FOOD ESTABLISHMENTS

5 44-1379. Consumer incentive item regulation; state preemption;
6 definition

7 A. THE REGULATION AND USE OF CONSUMER INCENTIVE ITEMS FROM RETAIL FOOD
8 ESTABLISHMENTS ARE OF STATEWIDE CONCERN. THE REGULATION OF CONSUMER
9 INCENTIVE ITEMS PURSUANT TO THIS ARTICLE AND THEIR USE, INCLUDING THEIR USE
10 IN RETAIL FOOD ESTABLISHMENT MARKETING, ARE NOT SUBJECT TO FURTHER REGULATION
11 BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

12 B. FOR THE PURPOSES OF THIS SECTION, "CONSUMER INCENTIVE ITEM" MEANS
13 ANY LICENSED MEDIA CHARACTER, TOY, GAME, TRADING CARD, CONTEST, POINT
14 ACCUMULATION, CLUB MEMBERSHIP, ADMISSION TICKET, TOKEN, CODE OR PASSWORD FOR
15 DIGITAL ACCESS, COUPON, VOUCHER, INCENTIVE, CRAYONS, COLORING PLACEMATS OR
16 OTHER PREMIUM OR PRIZE OR CONSUMER PRODUCT THAT IS ASSOCIATED WITH A MEAL
17 SERVED BY OR ACQUIRED FROM A RESTAURANT, FOOD ESTABLISHMENT OR CONVENIENCE
18 STORE.

APPROVED BY THE GOVERNOR APRIL 13, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

Passed the House March 1, 20 11

by the following vote: 44 Ayes,

13 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 20 11

by the following vote: 25 Ayes,

7 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmion Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of April, 20 11

at 10:55 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 13th day of

April

at 10:35 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of April, 20 11

at 4:59 o'clock P. M.

[Signature]
Secretary of State

H.B. 2490